

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

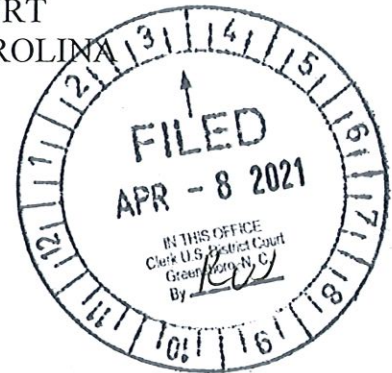
BRIAN C. WILLIAMS, MARICOL)
YUNAIRA TINEO DE LEON, JAIRO)
VENSRIQUE LEON DA COSTA, and)
MIKE GUSTAFSON,)

Plaintiffs,)

v.)

THE ESTATES LLC, et al.,)

Defendants.)



1:19-CV-1076

BRIAN WILLIAMS

ISSUE ONE: Antitrust/bid rigging

Issue 1A: Did two or more defendants conspire to rig bids in violation of the Sherman Act and state law by agreeing to limit bids by Estates members to one Estate member per property?

☒ Yes

☒ As to all bids, including bids placed by an Estates Acquisition Assistant and bids placed any other way.

☐ No ☐ Only as to bids placed by an Estates Acquisition Assistant

If Yes, go to Issue 1B. If No, skip to Issue 2. Also, if No, do not answer Issue 3.

Issue 1B: What defendants were part of the conspiracy to limit bids?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Tonya Newell	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Avirta LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
GG Irrevocable Trust	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
King Family Enterprises LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Red Tree Holdings LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates (UT) LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates Real Estate Group LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Versa Properties, LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

Go to Issue 1C.

Issue 1C: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes ☐ No

Including interstate commerce?

☒ Yes ☐ No

Go to Issue 1D.

Issue 1D: What damages, if any, is the plaintiff, Brian Williams, entitled to recover for defendants' bid rigging?

\$ 87,300

Go to Issue 2.

ISSUE TWO: Extortion/Unfair and Deceptive Trade Practices

Issue 2A: Did any of the following defendants use the pending foreclosure as a pretext to attempt to extort funds from Brian Williams by falsely representing that Versa Properties LLC was the owner of his home?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates (UT) LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

If Yes as to any defendant, go to Issue 2B. If No as to all, skip 2B, 2C, and 2D.

Issue 2B: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes ☐ No

If Yes, go to Issue 2C.

Issue 2C: Was the conduct a proximate cause of injury to Brian Williams?

☒ Yes ☐ No

If Yes, go to Issue 2D.

Issue 2D: In what amount, if any, has the plaintiff Brian Williams been injured?

\$ 35,000

ISSUE THREE: Unjust Enrichment

Only answer Issue 3 if you answered Yes to Issue 1A. If No to Issue 1A, skip to Issue 4.

Issue 3A: Were the following defendants unjustly enriched by their conduct at Brian Williams' expense?

Craig Brooksby	Yes: <u>✓</u>	No: <u> </u>
Carolyn Souther	Yes: <u>✓</u>	No: <u> </u>
The Estates LLC	Yes: <u>✓</u>	No: <u> </u>
The Estates (UT) LLC	Yes: <u>✓</u>	No: <u> </u>
Timbra of North Carolina LLC	Yes: <u>✓</u>	No: <u> </u>
Versa Properties LLC	Yes: <u>✓</u>	No: <u> </u>

If Yes as to any defendant, go to Issue 3B. If No as to all defendants, skip to Issue 4.

Issue 3B: What amount of unjust enrichment, if any, did defendants obtain?

\$ 110,000

Go to Issue 4 on the next page.

MARICOL DE LEON & JAIRO DA COSTA

ISSUE FOUR: Antitrust/bid rigging

Issue 4A: Did two or more defendants conspire to rig bids in violation of the Sherman Act and state law by agreeing to limit bids by Estates members to one Estate member per property?

☒ Yes

☒ As to all bids, including bids placed by an Estates Acquisition Assistant and bids placed any other way.

☐ Only as to bids placed by an Estates Acquisition Assistant

☐ No

If Yes, go to Issue 4B; If No, skip to Issue 5. Also, if No, do not answer Issue 6.

Issue 4B: What defendants were part of the conspiracy to limit bids?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Tonya Newell	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Avirta LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
GG Irrevocable Trust	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
King Family Enterprises LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Maldives LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates (UT) LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

The Estates Real Estate Group LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

Go to Issue 4C.

Issue 4C: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes

☐ No

Including interstate commerce?

☒ Yes

☐ No

If Yes, go to Issue 4D. If No, skip to Issue 5.

Issue 4D: What damages, if any, are the plaintiffs, Maricol de Leon and Jairo da Costa, entitled to recover for defendants' bid rigging?

\$ 85,000

Go to Issue 5.

ISSUE FIVE: Extortion and Unfair and Deceptive Trade Practices

Issue 5A: Did any of the following defendants use the pending foreclosure as a pretext to attempt to extort funds from Maricol de Leon and Jairo da Costa by falsely representing that Maldives LLC was the owner of their home?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

Maldives LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates (UT) LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

If Yes as to any defendant, go to Issue 5B. If No as to all, skip 5B, 5C, and 5D.

Issue 5B: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes ☐ No

If Yes, go to Issue 5C; If No, skip to Issue 6.

Issue 5C: Was the conduct a proximate cause of injury to Maricol de Leon and Jairo da Costa?

☒ Yes ☐ No

If Yes, go to Issue 5D; If No, skip to Issue 6.

Issue 5D: In what amount, if any, have the plaintiffs, Maricol de Leon and Jairo da Costa, been injured?

\$ 50,000

Go to Issue 6.

ISSUE SIX: Unjust enrichment

Only answer Issue 6 if you answered Yes to Issue 4A. If No to Issue 4A, skip to Issue 7.

Issue 6A: Were the following defendants unjustly enriched by their conduct at the expense of Maricol de Leon and Jairo da Costa?

Craig Brooksby	Yes: <u>✓</u>	No: <u> </u>
Carolyn Souther	Yes: <u>✓</u>	No: <u> </u>
Maldives LLC	Yes: <u>✓</u>	No: <u> </u>
Timbra of North Carolina LLC	Yes: <u>✓</u>	No: <u> </u>
The Estates LLC	Yes: <u>✓</u>	No: <u> </u>
The Estates (UT) LLC	Yes: <u>✓</u>	No: <u> </u>

If Yes as to any defendant, go to Issue 6B. If No as to all defendants, skip to Issue 7.

Issue 6B: What amount of unjust enrichment, if any, did defendants receive?

\$ 110,000

Go to Issue 7.

MIKE GUSTAFSON

ISSUE SEVEN: Antitrust/bid rigging

Issue 7A: Did two or more defendants conspire to rig bids in violation of the Sherman Act and state law by agreeing to limit bids by Estates members to one Estate member per property?

☒ Yes,

☒ As to all bids, including bids placed by an Estates Acquisition Assistant and bids placed any other way.

☐ Only as to bids placed by an Estates Acquisition Assistant

☐ No

If Yes, go to Issue 7B; If No, skip to Issue 8. Also, if No, do not answer Issue 9.

Issue 7B: What defendants were part of the conspiracy to limit bids?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Lynn Pinder	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Avirta LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
GG Irrevocable Trust	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
King Family Enterprises LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
NC Bidding-2 LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates (UT) LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates Real Estate Group LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

Go to Issue 7C.

Issue 7C: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes ☐ No

Including interstate commerce?

☒ Yes ☐ No

If Yes, go to Issue 7D; If No, skip to Issue 8.

Issue 7D: What damages, if any, is the plaintiff, Mike Gustafson, entitled to recover for defendants' bid rigging?

\$ 34,900

Go to Issue 8.

ISSUE EIGHT: Extortion/Unfair and Deceptive Trade Practices

Issue 8A: Did any of the following defendants use the pending foreclosure as a pretext to falsely represent to Karen Gustafson that Mr. Gustafson and their children would be evicted from the property within a few days?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates UT LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
NC Bidding-2 LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

If Yes as to any defendant, go to Issue 8B; If No as to all, skip 8B, 8C and 8D.

Issue 8B: Was defendants' conduct in commerce or did it affect commerce?

☒ Yes ☐ No

If Yes, go to Issue 8C; If No, go to Issue 9.

Issue 8C: Was the conduct a proximate cause of injury to Mike Gustafson?

☒ Yes ☐ No

If Yes, go to Issue 8D; If No, go to Issue 9.

Issue 8D: In what amount, if any, has the plaintiff, Mike Gustafson, been injured?

\$ 10,000

Go to Issue 9.

ISSUE NINE: Unjust enrichment

Only answer Issue 9 if you answered Yes to Issue 7A. If No to Issue 7A, do not answer Issue 9.

Issue 9A: Were the following defendants unjustly enriched by their conduct at the expense of Mike Gustafson?

Craig Brooksby	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Carolyn Souther	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
The Estates UT LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
NC Bidding-2 LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
Timbra of North Carolina LLC	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>

If Yes as to any defendant, go to Issue 9B. If No as to all defendants, do not answer Issue 9B.

Issue 9B: What amount of unjust enrichment, if any, did defendants receive?

\$ 55,000

This the 8 day of April, 2022.

Heath Lin
FOREPERSON